Jud. F. 4 of 93.

G. R. S. IX-5]

Previous references. 1891-92

192 .

(L. R.)

File No. 1[illegible]

Serial Nos. 1–6

Later references.

GENERAL AND REVENUE SECRETARIAT

Serial Nos. 1–6.

Report Part B for July 1893

SUBJECT.

Appeal of Ugre Gowda regarding his claim to the ~~office~~ of Patel of Kargondanhalli

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WD 2233—GPB—20,000—14-6-20

Copied

(1)

In the Court of the Assistant of Nagara
Mysore Province at Bangalore.

Appeal No of 1892

Appellant	Respondent
Ugragowda Patail of Padwar-halli Nagara Taluk	Dharmappa acting Patail of Nargowdin-halli Nagara Taluk

The Appellant above named begs to prefer this appeal to this Honorable Court against the order No 395 dated 20th February 1892 of the Deputy Commissioner Nagara District for the following among other reasons:

I That the appellant was appointed as a Patail of the two villages viz. Nargowdinhally and Padwarhally about 12 years ago and ever since he has been discharging the duties of both the villages to the entire satisfaction of the officers concerned; and his appointment as a Patail of the two villages was confirmed during the Paleka Potgee settlement and he has been drawing the Potgee allowances

for the last 5 years, and has thus 9-
acquired a right to the office.

II That about the year 1874 the then
Dy: Commissioner observing that there
were only two houses in Marjorderahally
village, ordered that one Patail might
attend to the duties of both the villages.

III The Dy: Commissioner observing that
the appellant did not own any land in
Marjorderahally village ordered that
any one holding land in that village
should be appointed a patail. This action
of the Dy: Commissioner is ultra-vires
on the face of the Kaleka Pattee settlement.
The appellant has subsequently in accord-
-ance with the orders of the Dy Com-
-missioner has acquired lands in I
that village.

IV That the appellant's appointment
has been confirmed to him ~~annual~~
by the Dy Commissioner Mr Ruthledge
and the present Dy Commissioner has
no jurisdiction to question the validity
of the confirmation in the absence of
any complaint against the appellant.

V That the respondent does not re-
-side in the village, and on the
contrary he resides at Nuparu &
he has not right to the office in as
much as he is a quite stranger to
the village. It is with the express in-
-tension of ~~obtaining~~ appointing ~~documents to~~
the respondent, the Dy Commissioner
and the Assistant Commissioner
have sanctioned the arrangement
made by the Annualdar.

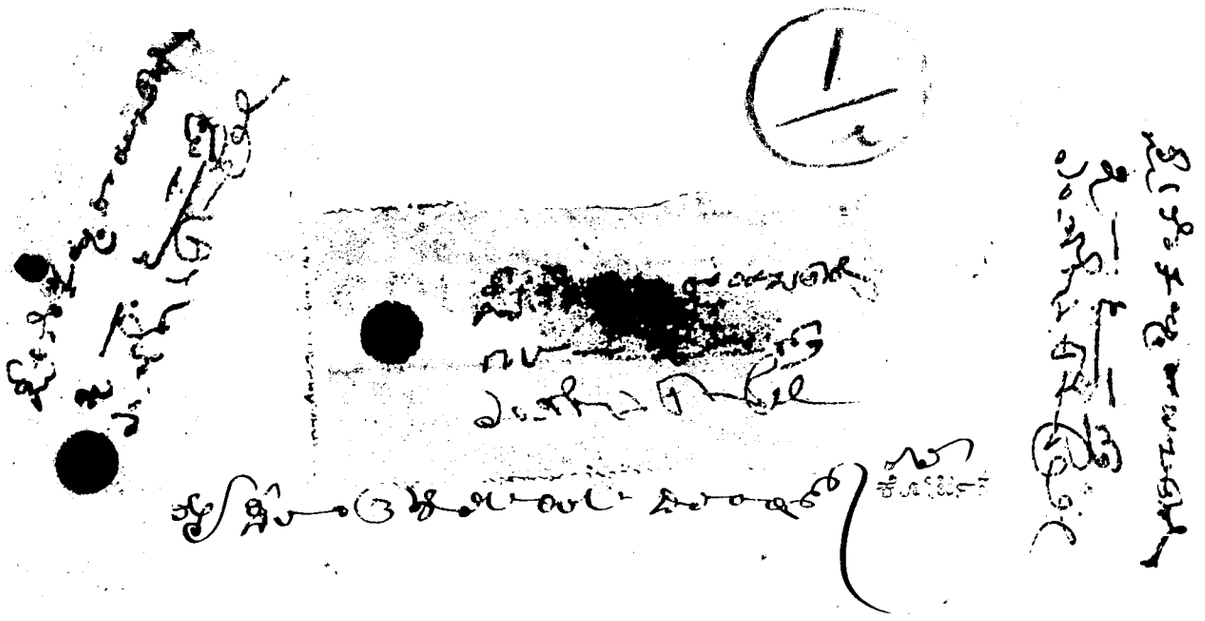
VI The appellant was confirmed
during the Patcha Potgal settlement
~~of~~ on the consideration of the work
done by him during the measurement
classification, and survey settlement.

For the foregoing reasons the
appellant begs that the record of
the case may be kindly sent for
and perused, and after hearing the
appellant he may be ordered to re-
-join his appointment as the
Patcadar of Nagayendanhally village
for which respondent has been ap-
-pointed temporarily.

For such act of Kindness

he shall ever pray &c &c.

Supreme
1852 Feby 2



ಸ್ಟ 1892 ನೇ ಇಸವಿ [illegible] ನಂಬರು

ಅರ್ಜಿದಾವಿ. ಅರ್ಜಿ ಪ್ರತಿವಾದಿ.

1ನೇ ಗ್ರೇಡ್ ಪ್ಲೀಡರ್ ಮತ್ತು ರಾಮಸ್ವಾಮಿ. ಪೆಂಕಟರಾಯರವರಿಗೆ.

ಬೇಲ್ಕುಂಡ [illegible] ಬರಸಿಕೊಟ್ಟಿ
ವಕಾಲತುನಾಮಾ, ಈ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ನನ್ನನ್ನು ಪರವಾಗಿ ಕೋರ್ಟಿಗೆ ಹಾಜರಾಗಿ ಅರ್ಜಿ ವಗೈರೆ ಕೊಟ್ಟು, ವಿವಾದಿಸಿ ಫೈಸಲ್ ಮಾಡಿಂದತೆಕ್ಕಬಗ್ಯೂ, ನಮಿಗೆ ಸಲ್ಲತಕ್ಕ ಡಿಕ್ರಿ ಮೊಬಲಗು ವಸಾಲ್ನೆಪ್ರಜು ವಗೈರೆ ತೆಗದು ಕೊಂಡು ರಸೀದಿ ಕೊಡುವದಕ್ಕೂ ಸಹಾ ತಮಿಗೆ ಅಧಿಕಾರ ಕೊಟ್ಟಿದ್ದೇನೆ. ಆದ್ದರಿಂದ ತಾವು ನಸಿಗೋಸ್ಕರ ಕೋರ್ಟಿಗೆ ಹಾಜರಾಗಿ ತಮಿಗೆ ಯುಕ್ತವೆನಿಸಿದಂತೆ ನಡಿಸುವ ಎಲ್ಲಾ ಕೆಲಸಗಳನ್ನು ನಾನು ಖುದ್ದು ಇದ್ದು ನಡಿಸಿದಂತೆ ಒಪ್ಪುತ್ತೇನೆ.

ತಾರೀಖು 17 ನೇ ಅಕ್ಟೋಬರ ಸಾಹೆ. ಸ್ಟ 1892 ನೇ ಇಸವಿ. [illegible]

ಅಂಗೀ ಕರಿಸಿದೆ.

1ನೇ ಗ್ರೇಡ್ ಪ್ಲೀಡರ್.

ಈ ಮೊಕ್ತ್ಯಾರ್‌ನಾಮಾ ಕೊಟ್ಟವನು ನನಗೆ ಪರಿಚಯಸ್ಥನು. ನನ್ನ ಸಮಕ್ಷಮವು ಇದಕ್ಕೆ ರುಜು ಮಾಡಿದ್ದರಿಂದ ನಾನು ಸರಟಿಫೈ ಮಾಡಿದೇನೆ.

MYSORE DOMAINS
PERSIAN DEPARTMENT
RECD. No. 701 R
DATE 4-6-92

(2)

A. S. 710 38
92-93

Peshkar's
Dwk
4/6/92

The Under Secretary to the
Dewan of Mysore
Bangalore

Sir

(1) Peshkar's Receipt Stamped

(2) Copy Produced

(3) Appeal in Time — Date of the Appeal Petition Should have been mentioned as 18th ult.

With reference to Govt: endorsement No: 557 dated 27/6/1892 which was received in My office on the 2nd Inst: I beg to state that that appeal has been submitted with proper Stamps for the lower Courts. I further beg to state that the Stamps was affixed to the power by oversight on the papers of the files here are Stamped with Court Stamps.

I beg to remain
Sir
Your Most Obedient
Servt. Venkatachary
Munshi

Drafted.
13/6.

11/6/92

3/6/92

Mysore

No 131 R

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

(3)

OFFICIAL MEMORANDUM.

The accompanying Petition No. 657 & 704 dated 18th May & 3rd June received at the Dewan's Office from Hare gauda Patel of Padmarahalli, Mysore Taluk, praying for his reinstatement in the Patel office.

is forwarded, together with its three enclosures, to the Deputy Commissioner of the Mysore District for submission of the Proceedings full report of the facts of the case and on the points noted on the petition.

The petition should be returned.

By Order,

Draft.

Chief Secretary.

BANGALORE,
11th June 1892.

18

Dwr

(General Serial No. 30.)

1892. 6872

17 DEC 92

From

Pet 516

The Deputy Commissioner
Mysore District.

To

The Chief Secretary to the Govt
of Mysore

Dated 22nd December 1892.

Despatched

Rec'd

Enclosure No. Petition &c
Sp. & Mem.
of Encumbrances
and Assurance
fee -

General No.

No. 5712

Submitting report on the petition from Gopal Gowda, Patel of Yadavadalli, Mysore Taluk.

To

Petitioner thro'
the DC

27/12

Submitted for orders.

Applicant Gopa Gowda claims the Patel of Yadavadalli, a Sadduk village in the Mysore Taluk.

There are no hereditary Patels in the village and the collection was begun by Kadira and Shanthy two persons who reside at Mysore & Kumatahalli.

As the village has a large income it was deemed expedient to attach a Patel. Petitioner acquired land in the village on Assurance that Patel and that his appointment would be considered if he did well and on the 8th August 1892 the Deputy Commissioner ordered that the Patel should be appointed & act as Patel. The Amildar (Mr Gopala Rau) stated that Petitioner had been invited accordingly but it is stated that as a matter of fact no orders were issued in the matter & either the Amildar or the Petitioner further correspondence ensued in appeal & the appointment of a Patel was not sanctioned on the 1st January 1892 on probation for one year

The Deputy Commissioner states that Mr Sheshagiri Rao's case was not brought to his notice and that the appointment of Shanmukha was made by him merely not to upset it.

Order

Under the circumstances stated, the DC's proposal to cancel the appointment of Shanmukha & appoint Petitioner is agreed to.

2/1/93

4/1/93

No. 878.
In Petitions
Nos 557 & 701
with the Govt.
& Cannanore file.

DEPUTY COMMISSIONER'S OFFICE,
MYSORE DISTRICT,

Dated Mysore 22nd December 1892.

4

From

A. Rangaswami Iyengar Esquire
Deputy Commissioner,
Mysore District.

To

The Chief Secretary to the Dewan of Mysore,
Bangalore

SIR,

With reference to your official memo: No 131 dated 18th June last, forwarding for report with proceedings, petition from Sagé Gowda Patél of Siddanahalli, Nyasore District, I have the honor, in submitting the proceedings called for, to report as follows:-

2. The petitioner claims the Patéli of Mayasandrahalli village which is Archaik and had no separate Patéi from the commencement, the collection of revenue dc. was being made by the Mélagaiti Patél Channé Gowda for some time and after him one Chikka Baeva son of Kempa Siddi of the same village was attending to the work.

3. The naigate among lands in Mayasandrahalli village petitioned this office on the 9th January 1889 to the effect that Sagé Gowda

should not be appointed as Patel of the said village, on the ground that he was illiterate, improper and ignorant of Sudeve and prayed that either the Patel of Métagali or of Kumbar-Koppal might be appointed.

4. This was forwarded to the Amildar for report. In reply the Amildar stated that though the village was depopulated, it's Comprised lands assessed at Rs 127-13-6, and as the Patel of Kumbarkoppal had more work than he could conveniently perform and as the Patel of Métagali was incapable of managing the work and some one was wanted urgently to attend to the work of survey settlement he had no alternative left but to appoint the said Sogré gouda temporarily for the year - Vide report No 1520 dated 21st January 1890.

5. The records were thereupon ordered to be produced at the Jamabandi (Vide order No 676 dated 12th February, 1890). The papers were accordingly brought up by the Amildar before Mr Monteith, Deputy Commissioner, and order No 174 dated

20th February 1870 was issued stating that as Pagé gowda did not hold any Land in the said village, it did not seem advisable to appoint him as Patél and that he (Amildar) should submit the name of some one from among the Landholders who paid a large Kandayam for the said village, and was popular and competent in every way for the post. An Endorsement was also given to the petitioner, Pagé gowda, shortly after informing him that his application would be considered when he acquired Land in the village.

6. Notices were accordingly issued by the Amildar as above directed to the Land holders. Meanwhile, one Channé Gowda, Patél of Kumbarkoppal came forward and gave a written statement before the Amildar saying that he held Land at Margowdanhalli and paid a Kandayam of 10 & 12 Rs. The rayats were also in favor of the man being appointed as Patél.

7. Pagé Gowda again presented a petition to the Deputy Commissioner, on the

5th February 1890 stating that he had since acquired lands in Margovlanimalle assessed at Rs 6/ and that therefore he might be appointed Patél of the said village. The Araildar was asked to report thereon (vide Order No 43 dated 2nd May 1890). He replied through the 2nd General Assistant Commissioner, Mr Krishnangar, stating that what the petitioner had stated was true, and suggested that either Patél Chaumé Gowda or Dogré Gowda might be appointed to the office, adding that the latter was keeping the returns of births and deaths and doing the collection work since the year "Sarvajita" (1887-88) - Vide Report No 105 dated 5th May 1890.

8. The 2nd General Asst Commissioner, in his order No 74 dated 12th July 1890 to the Araildar, approved of the nomination of Chaumé Gowda temporarily on the ground that Dogré Gowda was not suitable Patél for the village and that Chaumé Gowda was liked by all the villagers and held lands in Margovalimalle and was a resident of Kumbarkoppal close to it, adding at

the

the same time to submit a report as to Chamé Gouda character &c.

9. Prior to the receipt of the said order in the Taluk, Chamé Gouda died, and the Amildar recommended one Dharma Rao on 26th July 1890, with report No 227, for the vacancy, as he was holding lands in the village of Nargondanahalli and had also on many occasions acted as Shirastadar and was popular.

10. Ogré Gouda also presented a petition to Mr Meiklejohn in person on the 8th August 1890, stating that as he had already acquired lands in the village of Nargondanahalli, he should be appointed to the office in preference to any other. Thereupon Mr Meiklejohn passed an order* that Ogré Gouda might be appointed, to officiate as Patél and a report submitted at once. The Amildar reported (No 809 dated 8th October 1890) that he had carried out the orders, but the order does not appear to have been carried into effect, or even

* No 1779 8-8-90

communicated to Sogri Gouda.

11. Subsequently several applications were received from Ghatine Saeb, Abdul Khader and Kapanna, landholders in the village of Nargondanhalli praying that each of them might be appointed Patél of the said village. Some proceedings were held on them and finally Mr. Assistant Commissioner Narayanaraj has submitted Yadi No 77 dated 12th August 1891, stating that Dharma Rao Patél of Devanur was competent and might be appointed Patél of Nargondanhalli. He was requested to ascertain from the Tahsildar and report whether Sogrigouda was not appointed Patél under Deputy Commissioner order No 47. Mr. Narayanaraj has not alluded to this order at all but referred to the previous orders of the Deputy Commissioner and Mr. Krishnamigan, recommending the nomination of others, and pressed the appointment of Dharma Rao. Order No 75 without date thereupon issued from the District office under the signature of Mr. Plumer, sanctioning the nomination

of

of Dharma Row "for the present". Sivasiriyaya who was then Head Muhuti says that the order must have been passed about the 12th or 13th September 1892, though it appears to have been registered on the 22nd. September and delivered in the office of the Assistant Commissioner on the 23rd. idem.

12. In communicating this order to the Tank, the Assistant Commissioner had directed that the officiating Vidé should be produced before the Jamabandi Officer, and he was accordingly produced before me at the time of the Pagara Tank Jamabandi with Omitted report No. 102, and I sanctioned his appointment on probation for a year. When I passed this order the claims of Cegré Gunda to the appointment or Mr. Meikkejanu's order were not brought to my notice

13. Though Dharmaratna has been well spoken of by the Omitted, Jam

4

of opinion that his appointment is contrary to the orders of Mr. Pettigrew the permanent Dy Commissioner and should not be upheld. The Faizdr Amildar is seriously to blame for having failed to give effect to that order in favour of Cogré people. The report of Mr. Rangaswamy is also inaccurate in omitting all reference to that order, and it is also worthy of remark that the mission was passed over in the Deputy Commissioner's office though it had been frequently alluded to and report called for. I shall take proper notice of these facts after return of the records from the Government.

14. The petition and its enclosures received with the Memo are herewith resubmitted.

I have the honor to be,
Sir,
Your most obedt Servt,

Dy Commissioner
Mysore District

MM

(General Serial No. 30,)

189 .

From

The Chief Secretary
to the Dewan of Mysore.

To

The Deputy Commissioner
Mysore District

Dated &

Despatched 8-7-93

Received

Enclosures No. file of 6

General No. 129

P. F. No. 4-93.

Passing orders on the petition of Rajagopala, Patel of Parivara-kalli Mysore District, in re the Patel of Mangalanahalli in the same Taluk.

References to be marked.

Mysore Govt. C. Press, Bangalore.—9-1-93.—3,000.

Read 18

Read:—

(1) Petition No. 557 dated 18th May 1892, from Aggegowda Patil of Kadaramakki, Mysore Taluk, appealing against the order of the Deputy Commr of Mysore, appointing one Dhaima Row as Patel of Mangowdenkatti in the same Taluk.

(2) Letter No 875, dated 22nd December 92, from the Deputy Commr of Mysore, reporting on the above petition, and stating that the wish of the inhabitants in favor of petitioner was unanimous & his nature when he sanctioned the appointment of Dhaima Row

~~recommending the dismissal of the appointment of Dhaima Row, which he stated to be the unanimous wish of the people, appointing Patel to the vacant post, which had not been submitted by the petitioner, but accepted his notice~~

Order thereon.

No 199 Fee 4-93 Dt 3/7/93 7/7/93

Under the circumstances stated, the Deputy Commr is correct, in sanctioning the appointment of Dhaimanna and to appoint Patel of Mangowdenkatti

Read 7/7/93

To the Deputy Commr Mysore District for the necessary action.

Dated Bangalore 7th July 1893

No. 557-

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT,

June 1893

8-7-

Endorsement granted to Ayigowda, Patel of Parvanahalli Mysore Taluk, (represented by C.N. Venkata Rao, 1st grade Pleader)

in reply to his Petition Registered No. 557 dated 13th May 1893 claiming the Patelship of Parvanahalli in the Mysore Taluk.

Petitioner is ~~informed that~~ referred to the Deputy Commr to whom orders have been issued to appoint Petitioner as Patel of Parvanahalli.

2. The enclosures are herewith returned.

"By Order"

Draft

Chief Secretary.

Mysore Govt. Central Press, Bangalore.—9-2-93—2000